

**APPROVED BY THE BOARD OF SELECTMEN**

**MINUTES  
BOARD OF SELECTMEN  
REGULAR MEETING  
AUGUST 18, 2003**

**ATTENDANCE:** First Selectman Robert Harrel; Evonne Klein;  
Joseph Warren; Dr. Joseph Miceli; Barbara Thorne

**STAFF:** John Crary, Town Administrator

**OTHERS:** Thomas Golden; Arthur Collins; Peter Vivian

First Selectman Harrel called the meeting to order at 5:33 p.m.

First Selectman Harrel called attention to an added feature in the room, a framed copy of the Town's Seal that was done, on his own time, by a Town employee, Mr. Pat D'Arinzo. He stated the project began because of the work on the auditorium where a copy of the Town Seal was obtained for the podium. The Board told First Selectmen Harrel to express their thanks and appreciation to Mr. D'Arinzo.

**REGULAR MEETING**

**NEW BUSINESS**

**MEET WITH THOMAS GOLDEN REGARDING PLANS FOR THE  
RESTORATION AND IMPROVEMENTS TO THE DARIEN THEATRE**

First Selectman Harrel stated that Mr. Thomas Golden, of Thomas Golden Realty Company, wrote him a letter requesting the opportunity to present to the Board his plan for the Darien Theatre improvements and restoration. First Selectman Harrel personally thanked Mr. Golden for keeping the theatre open and enhancing its operation. He added that through its new manager, they have done an outstanding job. He also thanked Marge Harrington for collecting over 7,000 signatures to force the reopening of the theatre.

First Selectman Harrel stated that after this evening's presentation, the proposal will go to the Planning and Zoning Commission on September 16th.

Mr. Thomas Golden stated that both he and Mr. Arthur Collins were both born in Darien and had more than a business interest in the Darien Theatre. Mr. Golden then read e-mail correspondence that was sent to The Advocate in which a Stamford resident related how he had recently enjoyed an evening at the Darien movie theatre with his mother at a cost of \$9.00 and \$0 for parking.

Mr. Golden continued by stating that he had retained a firm to provide suggestions on development strategies in downtown Darien. He reported that over a time period of 365 days the movie theatre had 71,000 people attending. He added that dividing that number by the number of showings on two screens equaled 25 people per showing. He noted that in order to make the theatre viable, the number of seats in the movie theatre will be reduced to 150 for each screen. He stated that the two screens will stay where they are and also remain the same size.

Mr. Collins stated that it was a historic building, however the design will be brought up to the state of the art in order to attract elite tenants in today's market. Mr. Golden reported that Elizabeth Arden and Ann Taylor had agreed to occupy the tenant space. He noted that Elizabeth Arden needed 7,000 square feet and Ann Taylor needed 6,000 square feet therefore the building went to a rectangular floor plan that added 5,000 square feet and additional space for another tenant. He pointed out that Elizabeth Arden will be located on the second floor and Ann Taylor on the first floor. Mr. Golden reported that the theatre entrances will now be located on the side and rear of the building and will not conflict to the entrance of Elizabeth Arden. Mr. Golden concluded by stating that he did not want to do harm to the neighbors in terms of parking and traffic.

First Selectman Harrel questioned if the concession area would be moved and Mr. Golden replied it would be located in the lobby of the northwest corner of the building facing the sports shop. Dr. Miceli commented that there would no longer be a balcony and Mr. Golden concurred.

Mr. Peter Vivian, current manager of the Darien Theatre, stated that he also operates a movie theatre in Ramsey, New Jersey in which he draws in unity and a neighborhood type approach. He reported that he will keep local people entertained by providing family-oriented films and he intends to hold private birthday parties in the future. He continued that he wants to preserve and keep the theatre as part of the community.

First Selectman Harrel stated that on July 17<sup>th</sup> the Board adopted a Vision Statement and forwarded it to the Planning and Zoning Commission for inclusion in the Town Plan of Development. He encouraged all that were interested to get a copy of the present Town Plan because it encourages all to work together and look for solutions that will allow the community to do things like the Darien Theatre. He added that the Darien Town Plan must serve as a flexible blueprint for the development of the community.

First Selectman Harrel thanked Mr. Golden and Mr. Collins for opening the theatre and hiring a good operator and stated that this was an important first step toward downtown enhancement. He then asked for comments from the Board.

Ms. Thorne commented that they had done an excellent and thoughtful job of selecting tenants with an eye toward the use of the area and with an attention to density. Mr. Golden replied that they intend to bring in very high end users with less parking and traffic usage and also to complement the sports shop.

After looking at the drawing of plan, Mr. Warren noted that the only thing that will change is the façade of the building. He questioned if the marquis of the theatre will stay. Mr. Golden replied that it would. Ms. Klein asked for a timeline of the renovations and Mr. Golden replied that after approval from Planning and Zoning, he would like to start the renovation work shortly thereafter and by this time next year the building would be in shape. He also stated that the theatre would be offline for 8 to 9 months. Ms. Klein commented that this was a fabulous opportunity to save a landmark building and it would start the revitalization process for downtown that is sorely needed. Dr. Miceli stated that this was the beginning of a new age of Darien and it was really needed. He stated that people want to stay here to go to the movies. Mr. Warren commented that moving the entrance to the side of the building made good sense and was safer.

First Selectman Harrel asked if members of the public would like to speak. Mr. David Morgan asked if Mr. Golden if he had Elizabeth Arden and Ann Taylor in mind when he bought the theatre. He questioned the amount of movie theatre seats and commented that it seemed like they did not want to make it a movie theatre. Ms. Flora Smith expressed that this was a brilliant idea and that she had never been to the movie theatre when it was full. She hoped however, that parking does not become a problem. Ms. Gretchen Risanti commented that she was very interested in having the movie theatre stay, however one of the big problems was that there was nothing to do at night in the Town and the reason people go to the movies was to have a night out. She suggested having fun restaurants near the movie theatre.

Mr. Warren stated that he did not know where to draw the line and that these comments would be better addressed by Planning and Zoning. He continued that the Board of Selectmen's function is to look at the community, see what they are asking for and to see what steps can be taken to have them occur. He stated that the Board sent a message to Planning and Zoning in the Town Plan on what it wants for the future. He wished Mr. Golden good luck and shared his concern that the movie theatre be kept viable.

Mr. John Davis stated it was a great multi-use of the facility and a homerun. Mr. Daniel Dolcetti stated that the parking problem should be uncreated fast to revitalize downtown. Mr. Tom Geery stated it was a fabulous plan and noted that if there were parking issues, to go to the meeting on September 16<sup>th</sup>. Ms. Linda Santarella commented that the project was great and asked that the Board of Selectmen send a message to Planning and Zoning to figure out the parking requirements.

Mr. John Farrell stated that Mr. Golden and Mr. Collins lived up to their commitment to keep the movie theatre in Town and they should be applauded for what they have done.

First Selectman Harrel then called for a five minute recess at 6:45 p.m.

First Selectman Harrel called the meeting back to order at 6:50 p.m.

## **REPORT ON POWER OUTAGE OF AUGUST 14, 2003 – BOB HARREL**

First Selectman Harrel gave a brief report on the power outage of August 14<sup>th</sup>. He stated that he would be getting more details together with the emergency troops and it will be a couple of weeks before an assessment is made of performance. He noted that at no time was the water issue dangerous and the Talmadge Hill pump station operated under a generator and was sufficient. He reported that extra police were brought in and special attention was given Senior Housing because of the very warm weather. He commended the three Fire Departments that were fully manned and were standing by and added that Post 53 was fully operational. He concluded by stating the community came through with high marks for the safety of the community and the comfort they gave to others. Mr. Warren commented that there was no announcement made to go to the Fire Departments, however everyone responded to it. Ms. Thorne stated it was a valuable lesson to learn from to see what works and doesn't work. Ms. Klein stated that she would like to have a disaster plan in the office and would like to review it. First Selectman Harrel stated that on October 27<sup>th</sup> there will be a tabletop exercise in which Warren Hall will simulate a true disaster scenario to be presented to the Police and Fire Departments, and Public Works. Mr. Crary added that it will prepare them for something as real as possible and see how they react.

## **REPORT ON 9/11 OBSERVANCE – EVONNE KLEIN**

Ms. Klein reported that the Committee met to finalize the plans for September 11<sup>th</sup>. She stated that this year the Monuments and Ceremonies Commission will act as the host and that all ceremonies will be more simplified and low-key focusing on the victims and their families. She continued that on 9/11 at 8:46 a.m. the church bells will toll for five minutes and flags at Town Hall will be lowered for three minutes and a moment of silence will be observed. She reported that at 6:45 p.m. that evening there will be a ceremony at the new monument at Middlesex School with the idea being that the public will have a place to go.

## **RESOLUTION REGARDING PENSION SERVICE CREDITS FOR FORMER EMPLOYEES WHO RETURN TO WORK FOR THE TOWN OF DARIEN**

Mr. Crary stated that when an employee leaves and wishes to return to work they do not know the process regarding pension service credits. He stated that a survey identified that there are five employees that fall in this category and recommended that in fairness an employee be given 30 days from the date of the resolution to make the decision to reacquire pension credits or to decline.

**\*\* MR. WARREN MOVED TO APPROVE THE FOLLOWING RESOLUTION:**

**WHEREAS, SECTION 38-82, PARAGRAPH (2)(A) OF THE TOWN CODE PROVIDES A PROCEDURE FOR FORMER TOWN EMPLOYEES WHO**

**RETURN TO WORK FOR THE TOWN TO BECOME REINSTATED AND TO REACQUIRE PENSION SERVICE CREDITS, AND**

**WHEREAS, SOME EMPLOYEES WHO WERE ENTITLED TO THIS OPPORTUNITY WERE NOT AWARE OF THIS PROVISION, AND**

**WHEREAS, IN THE INTERESTS OF FAIRNESS SUCH EMPLOYEES SHOULD HAVE THE CHANCE TO REJOIN OR ELECT TO DECLINE THIS OPPORTUNITY, NOW THEREFORE BE IT**

**RESOLVED, THAT ALL EMPLOYEES WHO MEET THE CRITERIA OF SECTION 38-82 OF THE TOWN CODE AND HAVE NOT ELECTED TO REACQUIRE PENSION SERVICE CREDITS SHALL HAVE THIRTY DAYS FROM THE DATE OF THIS RESOLUTION TO MAKE A DECISION TO REACQUIRE OR DECLINE THIS OFFER.**

**\*\* MS. KLEIN SECONDED.  
\*\* MOTION PASSED UNANIMOUSLY.**

**PROPOSAL FOR PUBLIC PARTICIPATION IN THE DARIEN TOWN PLAN OF DEVELOPMENT BY EVONNE KLEIN**

Ms. Klein reported that she had put together some ideas on how to bring the public's participation into the Town Plan of Development. Her proposal was to have the district chairs and the RTM serve as conduits between the public and the Planning and Zoning Commission to solicit public comment and input for the Town Plan of Development. She continued that the RTM would organize meetings by voting district and invite the public to participate in topic discussions. After these neighborhood meetings, the RTM would put together a report for the Planning and Zoning Commission for them to take under advisement.

Mr. Warren commented that the first thing to do was to obtain the Planning and Zoning Commission's schedule to find out the order of what they are doing. Ms. Linda Santarella commented that they should also obtain Planning and Zoning Commission's working schedule. Ms. Klein stated that she would contact Karen Armor to obtain Planning and Zoning's schedule.

**RESOLUTION APPROVING THE AGREEMENT BETWEEN THE TOWN OF DARIEN AND THE TOWN HALL UNION**

Mr. Crary stated that negotiations with the Tall Hall Union employees began in March and were good sessions. He reported that this agreement was for four years and there were small changes to the agreement with no financial impact. He noted that the principal areas of negotiations included increased salaries and increased employee contributions for medical and dental insurance. Mr. Crary recommended the support of the Board and that the agreement be forwarded to the RTM.

**\*\* DR. MICELI MOVED TO APPROVE THE FOLLOWING RESOLUTION:**

**WHEREAS, CONTRACT NEGOTIATIONS WITH THE TOWN HALL UNION HAVE BEEN ONGOING SINCE SPRING OF 2003, AND**

**WHEREAS, THE PRINCIPAL AREAS OF NEGOTIATION INCLUDED INCREASED SALARIES FOR THE MEMBERS OF THE UNIT AND INCREASED EMPLOYEE COST SHARING FOR MEDICAL, DRUG AND DENTAL EXPENSES, AND**

**WHEREAS, THE NEGOTIATING COMMITTEES OF THE TOWN AND THE TOWN HALL UNION HAVE REACHED AN UNDERSTANDING ON THE TERMS OF A NEW AGREEMENT AND HAVE RECOMMENDED ITS ADOPTION TO THEIR RESPECTIVE PARTIES, NOW THEREFORE BE IT**

**RESOLVED, THAT THE BOARD OF SELECTMEN HEREBY APPROVED THE PROPOSED FOUR YEAR AGREEMENT WITH THE TOWN HALL UNION AND REFERS THE AGREEMENT TO THE REPRESENTATIVE TOWN MEETING (RTM) FOR THEIR CONSIDERATION.**

**\*\* MR. WARREN SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

**CONSIDER AND TAKE ACTION ON A CORRECTION TO A PREVIOUSLY APPROVED TRANSFER AS FOLLOWS:**

**RESOLVED:**

<b>From:</b>			
<b>A0773001-81003</b>	<b>Parks &amp; Rec.</b>	<b>Seasonal &amp; Temporary Salary</b>	<b>1,528</b>
<b>To:</b>			
<b>A0774001-81002</b>		<b>Part Time Salary</b>	<b>1,528</b>

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**It should have been as follows:**

<b>To:</b>			
<b>A0773001-81003</b>	<b>Parks &amp; Rec.</b>	<b>Seasonal &amp; Temporary Salary</b>	<b>1,528</b>
<b>From:</b>			
<b>A0774001-81002</b>		<b>Part Time Salary</b>	<b>1,528</b>

- \*\* MR. WARREN MOVED TO APPROVE THE CORRECTION TO A PREVIOUSLY APPROVED TRANSFER IN THE AMOUNT OF \$1,528 FROM ACCT. A0774001-81002, PARKS & REC. PART TIME SALARY TO ACCT. A0773001-81003, PARKS & REC. SEASONAL & TEMPORARY SALARY.**
- \*\* MS. THORNE SECONDED.**
- \*\* MOTION APPROVED UNANIMOUSLY.**

## **REPORTS**

### **FIRST SELECTMAN'S UPDATE**

First Selectman Harrel reported that demolition bids were opened this afternoon to take down the building at Cherry Lawn Park. He stated that the lowest bidder was for \$150,000 versus the budget of \$225,000, and Sue Swiatek is looking over all the bids.

Mr. Crary reported that the Steep Grant from the State of Connecticut in the amount of \$83,000 will be used to renovate the auditorium. He noted that shades, curtains, tables and chairs will be purchased and that there may be sufficient funds to put in a new lectern. He stated that he hoped to have the renovations completed by the end of the year.

First Selectman Harrel reported that the Police Department approved the Cancer Road Race on September 21<sup>st</sup>.

First Selectman Harrel reported that a new law was passed to allow liquor stores to remain open until 9:00 p.m. beginning over the weekend to produce revenue for the State.

## **APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

### **July 21, 2003 — Regular Meeting**

- \*\* MS. KLEIN MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF JULY 21, 2003.**
- \*\* MS. THORNE SECONDED.**
- \*\* MOTION APPROVED UNANIMOUSLY.**

## **FORTHCOMING MEETINGS**

### **August 25, 2003 — Regular meeting at 8:00 p.m.**

First Selectman Harrel stated that this meeting would be a Regular Meeting to be followed by a Special Meeting to be held in Executive Session. The Board concurred to have the meeting begin earlier at 7:00 p.m.

**September 8, 2003 — Regular meeting at 5:30 p.m.**

**September 29, 2003 – Regular meeting at 8:00 p.m.**

**OTHER BUSINESS**

**(A two-thirds majority vote is required to add an item to the agenda.)**

**\*\* MR. WARREN MOVED TO ADJOURN AT 7:50 P.M.**  
**\*\* DR. MICELI SECONDED.**  
**\*\* MOTION PASSED UNANIMOUSLY.**

Respectfully Submitted,

Donna DeVito  
Telesco Secretarial Services